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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,802	05/24/2001	John C. Seibel	068082.0111	4516

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BAKER BOTTS L.L.P.  
PATENT DEPARTMENT  
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AUSTIN, TX 78701-4039

EXAMINER

CHANNAVAJALA, SRIRAMA T

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 07/09/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

58

**Office Action Summary**

Application No.

09/865,802

Applicant(s)

SEIBEL ET AL.

Examiner

Srirama Channavajjala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-2,5-7,10-11,14-16,19-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,5-7,10,11,14-16 and 19-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Examiner acknowledges applicants amendment filed on 5/3/2004, paper no.10.
2. In view of applicant's submission of terminal disclaimer, paper no. # 12-13, the Double Patent rejection set forth in the previous office action, paper no. # 8 is hereby withdrawn.
3. Examiner acknowledges applicant's "***Oath/Declaration***", filed on 5/3/2004.
4. Claims 3-4,8-9,12-13,17-18 have been cancelled, paper no. # 10.
5. Claims 19-30 have been added, paper no. # 10.
6. Claims 1-2,5-7,10-11,14-16,19-30 are pending in this application.
7. Examiner acknowledges applicants preliminary amendment filed on 9/26/2001, paper no. # 4

### *Drawings*

8. The drawings filed on 5/24/2001 are approved by the Draftsperson under 37 CFR 1.84 or 1.152,

### *Information Disclosure Statement*

9. The information disclosure statement filed on 9/26/2001, 10/9/2003, paper no. # 11 has been considered and a copy was enclosed with this office action, paper no. # 14.
10. The information disclosure statement filed on 5/3/2004, paper no. # 6-7 has been considered and a copy was enclosed with this office action, paper no. # 8.

***Specification***

In the preliminary Amendment paper no. # 4, page 2, applicant is required to update the status of "related patent applications" in response to this office action, paper no. # 14.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claims 1,5-7,10,14-16,19-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Alvin, WO 00/23929 published on 27 April 2000.

12. As to Claims 1 and 10, Alvin teaches a system which including 'a database server system, maintained by an application service provider (ASP) for a web-based

Art Unit: 2177

lead generator system, which generates leads via the internet for potential customers of a business enterprise other than the ASP' [page 8, line 13-33], , Alvin teaches application service provider because Alvin specifically suggests for example E-commerce business over online shopping for customer [see page 8, line 27-29], as best understood by the examiner application service provider or ASP is a company online shopping provider that offers individuals, customers, corporations or enterprises access over the Internet to applications and related services such as billing, accounting, specialized promotions of products and like that would otherwise have to be located in their own personal or enterprise computers, therefore, Alvin teaches application service provider and related information;

'a data acquisition process for extracting data from the enterprise's internal data sources' [page 8, line 31-33, page 9, line1-9], 'data sources comprise at least contact data and sales data associated with existing customers of the enterprise' [page 9, line 15-25], Alvin specifically suggests for example electronic catalog, items purchased, customer name, billing address and other relation information is integral part of data source that related to various purchases being made by customers [se page 9, line 15-25], it is also noted that Alvin specifically teaches customer database, sales of products and related customized portfolios based on various purchases;

'a data mart for storing the extracted data' [page 28fig 1, element 70], Alvin specifically teaches storing various information related to customers, product, order in a specific database that corresponds to storing data in a data mart, 'a query repository for

Art Unit: 2177

storing queries presented to the data mart' [page 9, line 15-21, page 11, line 25-27, page 24, line 7-11],

'a chart repository for storing charts resulting from queries' [page 11, line 18-27], charts corresponds to Alvin's graphs, Alvin specifically teaches various visual presentations of products, data and like [see page 11, line 23-25];

'a web server for receiving queries from the enterprise, for processing the queries by determining if any query matches a chart in the chart repository, and if not for generating a new chart in response to the query by accessing the data mart'[page 7, line 27-32, page 8, line 21-24,,page 11, line 15-27,fig 1]; 'delivering either a chart from the chart repository or the new chart to the enterprise via a web browser' [page 11, line 20-27], Alvin specifically teaches dynamically displaying various visual presentations that including graphics, advertisements and like;

'wherein the data acquisition process,[page 13, line 3-18] the data mart [page 5, line 28-33], the chart repository [page 11, line 20-24], and the web server are operated as a system by the ASP on behalf of the enterprise' [page 8, line 13-33, fig 1,4]

13. As to Claim 5 and 14, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'internal data sources are from contact management software operated by the enterprise' [page 21, line 15-26], customer service is one of the part of contact management because Alvin teaches specifically on-line E-commerce.

Art Unit: 2177

14. As to Claim 6 and 15, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'internal data sources are from accounting software operated by enterprise' [page 9, line 21-25,page 24, line 20-27].

15. As to Claim 7 and 16, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'internal data sources are from ERP (enterprise resource planning) software operated by the enterprise' [page 5, line 28-33, page 6, line 1-10], As best understood by the examiner, enterprise resource planning, a business management system that integrates all facets of the business, including planning, manufacturing, sales, and marketing, further ERP methodology help business managers implement ERP in business activities such as inventory control, order tracking, customer service, finance and human resources is part of Alvin's teaching.

16. As to Claim 19 and 25, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'query repository for storing predefined queries, and wherein the web server processes queries to determine if they match any of the stored predefined queries' [page 18, line 10-21].

17. As to Claims 20 and 26, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'charts are in a format from the group of pie charts, bar charts, map views, or data views' [page 11, line 21-24], displaying various graphics for different visual presentations for example that including various formats, colors, fonts, and like.

Art Unit: 2177

18. As to Claims 21 and 27, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'web server delivers output to a customer profiles process maintained by the application service provider' [page 6, line 23-27, page 7, line 33-34, page 8, line 1-2], Alvin specifically teaches customer database that stores various customer profile such as customer accounts, billing information [see page 9, line 21-25].

19. As to Claims 22 and 28, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'queries to determine if they are drill down requests' [page 9, line 28-31], as best understood by the examiner, Drilling down into increasingly specific data is a common user task for example querying status of previous orders, returned merchandise and like as detailed in page 9, line 28-31.

20. As to Claims 23-24 and 29-30, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'user profiles database for storing query preferences of the enterprise' [page 9, line 21-25].



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alvin, WO 00/23929 published on 27 April 2000 as applied to claims 1 and 10 above, and further in view of Bakalash et al., [hereafter Bakalash], US Patent No. 6434544.

22. As to Claim 2 and 11, the limitation of this claim has been noted in the above rejection Claim 1,10, however, Alvin does not specifically teach 'OLAP'. On the other hand, Bakalash disclosed 'OLAP' [see Abstract, fig 1,7, col 6, line 56-65, col 8, line 48-58].

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Bakalash et al into Dynamic selection of multiple distributors of Alvin because both Alvin and Bakalash are directed to on-line information, more specifically both are directed to on-line electronic commerce [see Alvin: fig 1, Abstract; Bakalash: Abstract, fig 1,7] and both are in the same field of endeavor. One of ordinary skill in the art at the time of applicants' invention to modify Alvin's reference, more specifically fig 1 to incorporate on-line analytical processing or OLAP operations of Bakalash fig 7 because that would have allowed users of Alvin's

Art Unit: 2177

dynamic selection of multiple distributors for transaction process to support autonomic segments to minimize the amount of simultaneously handle data, further satisfying aggregation process that monitors dynamically set the roll-up order as suggested by Bakalash [see col 16, line 18-28], thus improving quality of data and performing fast on-the-fly aggregation in multidimensional data.

### ***Response to Arguments***

23. Applicant's arguments filed 5/3/2004, with respect to Claims 1-2,5-7,10-11,14-16,19-30 have been fully considered but they are not persuasive, for examiner's response, see discussion below:

a) At page 8, line 1-2, Claims 1,5-7,10,14-16,19-30, Applicant argues that "Alvin does not teach or suggest a system or method operated by an application service provider".

b) At page 8, line 6-7, applicant argues that present invention permits a "business enterprise to access software via web browser for the .....

As to the above argument [a-b], examiner disagree with the applicant because firstly, firstly, Alvin is directed to internet net based business transaction, more specifically multiple parallel servers are connected to provide internet related business transactions to the customers [see Abstract, fig 1], secondly, Alvin's system does support customer needs, in other words, Alvin teaches online shopping which is part of

Art Unit: 2177

business enterprise [see page 9, line 15-31], thirdly, as best understood by the examiner application service provider or ASP is a company online shopping provider that offers individuals, customers, corporations or enterprises access over the Internet to applications and related services such as billing, accounting, specialized promotions of products and like that would otherwise have to be located in their own personal or enterprise computers, therefore, Alvin teaches application service provider and related information;

c) At page 8, claims 2 and 11, applicant argues neither Alvin nor Bakalash teach or suggest a chart repository that is accessed by a web server to .....

As to the above argument, examiner disagree with the applicant because both Alvin, Bakalash are directed to on line transactions, more specifically Alvin is directed to online shipping or internet business transaction [see Abstract], while Bakalash is directed to online transaction processing system that supports on-line information search operations using internet [Bakalash: Abstract], further it is noted that Alvin teaches charts or graphs for example Alvin specifically directed to generating, dynamically displaying information with different visual presentations that including graphics, [see page 11, line 20-24], while Bakalash's fig 5 is directed to graph, further Bakalash specifically teaches organizing data in three dimensional database for example MDDb [col 9, line 12-22, fig 2B], also supports graphical user interface applications such as spreadsheet and their applications [see col 11, line 15-19],

Art Unit: 2177

therefore, displaying data into various formats are integral part of both Alvin and Bakalash's teaching.

### ***Conclusion***

#### **The prior art made of record**

- a. US Patent No. 6434544
- b. WO 00/23929

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- c. US Patent No. 6055510
- d. US Patent No. 6557008
- e. US Patent No. 6477536
- f. US Patent No. 6029141
- g. US Patent No. 6154766
- h. US Patent No. 6651055
- i. WO 99/66446
- j. WO 01/22692
- k. Paul Dean, Browsable OLAP apps on SQL server

analysis services, intelligent enterprise magazine, product review, may 07, 2001, 5 pages.

l. Journyx and IBM team to deliver enterprise proejct and time tracking software, article April 5, 1999, 3 pages

m. Optio software, Inc NEWS: optio software and syntax.net reseller partnership offers a robust solution to provider and deliver customized documents to support e-business and extend the reach of the global enterprise, December 20, 1999, pages 2

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

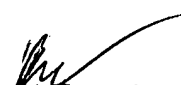
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703) 308-8538. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is (703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

703/746-7238	<b>(After Final Communication)</b>
703/872-9306	<b>(Offical Communications)</b>
703/746-7240	<b>(For Status inquiries, draft communication)</b>

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

sc   
Patent Examiner.  
June 28, 2004.